

WHEREAS, the Amended Complaint asserts claims against Defendants as follows: Count I – Negligence (Plaintiff v. Therese Perrette); Count II – Corporate Negligence (Plaintiff v. Marsh); Count III – Vicarious Liability (Plaintiff v. Marsh); Count IV – Wrongful Death (Plaintiff v. Defendants); and Count V – Survival Action (Plaintiff v. Defendants);

WHEREAS, the Claims against Defendants in the Amended Complaint relate to an Operational Loss Prevention Gap Assessment (“Gap Assessment”) that Defendants performed for Non-Party East Penn Manufacturing Company (“East Penn”) in the first half of 2019 and a fatal workplace incident involving decedent John Evanoff (“Decedent”) in the Smelter plant of East Penn’s Lyons, Pennsylvania facilities on March 6, 2021;

WHEREAS, Therese Perrette has been continuously employed by Marsh as a Consulting Director from 2013 to the present;

WHEREAS, Therese Perrette performed the Gap Assessment for East Penn in the course and scope of her employment with Marsh;

NOW THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendants, through their counsel of record, that:

1. Therese Perrette was an employee of Marsh at all times relevant to this action, including from October 2018 through March 2021;
2. Therese Perrette’s conduct with respect to Marsh’s Gap Assessment for East Penn was undertaken within the course and scope of her employment by Marsh;
3. Marsh has adopted the conduct of Therese Perrette with respect to the Gap Assessment for East Penn as its own;
4. Plaintiff’s dismissal with prejudice of Therese Perrette does not dismiss, release, or discharge Marsh for its own conduct or the conduct of Marsh’s employees;

5. Marsh agrees to be responsible for damages, if any, awarded to Plaintiff based on the conduct of Therese Perrette with respect to the Gap Assessment for East Penn;

6. Therese Perrette will be made available to provide live trial testimony in this action during Plaintiff's case-in-chief, at the date and time requested by Plaintiff's counsel, without the need for a subpoena, and undersigned counsel for Defendants agree to accept service of any notice to attend and testify directed to Therese Perrette in this action.

STIPULATED AND AGREED on this 11th day of April, 2024.

ANAPOL WEISS

/s/ Sol H. Weiss

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*Attorneys for Defendants
Marsh USA, LLC and Therese Perrette*

APPROVED AND SO ORDERED this 11th day of April, 2024.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.
United States District Judge